

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §

Plaintiff, §

v. §

BENTON EXPRESS, INC., et al., §

Defendants. §

CIVIL ACTION NO.
2:05cv494-B

**PLAINTIFF'S MOTION FOR ORDER EXPEDITING AUTOPSY
AND TOXICOLOGY REPORTS**

COMES NOW the Plaintiff in the above-styled matter and hereby requests that this Court enter an Order requiring the Alabama Department of Forensic Sciences to expedite the autopsy and toxicology reports for Craig Anthony Stephens and, as grounds in support would show unto the Court as follows:

1. Plaintiff filed the case of Roby v. Benton Express on April 20, 2005, in the Circuit Court for Montgomery County, Alabama. The case was removed to the United States District Court for the Middle District of Alabama on June 2, 2005.

2. The homicide investigation was performed by the Montgomery Police Department. No autopsy was performed on Craig Anthony Stephens, however, toxicology reports were performed.

3. This case involves the death of Mr. Ronald Roby who was traveling on I65 south when Craig Anthony Stephens was operating his vehicle in an erratic and

reckless manner on Interstate 85 South through Montgomery and went over the guardrail at the I85/I65 interchange. (Witness statements and Warr dep.).

4. There were numerous witnesses who gave statements and/or called 9-1-1 to report the erratic driving of Mr. Stephens.

5. Mr. Craig Anthony Stephens was, at the time of the wreck, operating a Benton Express tractor-trailer heading back to the Pensacola terminal with a load he picked up at the Atlanta terminal as he was assigned to do.

6. The central issue in this case is the conduct of Benton Express, Inc.'s employee/truck driver, Craig Anthony Stephens. In short, it is important for the jury to know why Mr. Craig Anthony Stephens was operating the truck in an erratic, reckless manner.

7. Accordingly, it is material and relevant for the trier of fact of this case to know whether Craig Anthony Stephens was under the influence of drugs or intoxicated at the time of the wreck.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order expediting the medical examiners and forensic science office to expedite the medical examiners and forensic science report as it relates to Mr. Craig Anthony Stephens.

A handwritten signature in cursive script, appearing to read 'L. Boone', is written over a horizontal line.

LABARRON N. BOONE
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following on this the 7th day of February 2006.



OF COUNSEL

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